

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CRYE PRECISION, LLC, and :  
LINEWEIGHT LLC, :  
  
Plaintiffs, : CIVIL ACTION NO 15-cv-1681 (DLC)  
  
v. :  
  
DURO TEXTILES, LLC, :  
  
Defendant. :

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**NOTICE OF CROSS APPEAL**

NOTICE IS HEREBY GIVEN that Defendant Duro Textiles, LLC (“Duro”) in the above-captioned matter appeals to the United States Court of Appeals for the Second Circuit following the entry of judgment in this action on April 25, 2016 (Dkt. No. 114), from the following: (1) Opinion and Order dated June 16, 2015 (Dkt. No. 50) to the extent that it denied Duro’s Rule 12(b)(1) Motion to Dismiss Crye’s First Cause of Action for damages (as opposed to injunctive relief) as barred by 28 U.S.C. § 1498; (2) Opinion and Order dated October 28, 2015 (Dkt. No. 82) granting Crye’s Motion to Dismiss Duro’s Counterclaims; (3) denials dated May 9 and 10, 2016 of Duro’s requests to file a motion for attorney’s fees as the prevailing party in this matter without having to await the resolution of the remanded state court litigation (Dkt. Nos. 118 and 120); and (4) all underlying orders, rulings, findings, or conclusions of the District Court relating, pertinent, or ancillary to those orders. Duro’s Notice of Appeal is timely filed.

Dated: May 24, 2016

Respectfully submitted,

/s/ Jonathan G. Graves  
Jonathan G. Graves (*Pro hac vice*)

Cooley LLP

One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190  
Tel: (703) 456-8119  
Fax: (703) 456-8100  
jgraves@cooley.com

Erin M. Estevez (*Pro hac vice*)  
Cooley LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004-2400  
Tel: (202) 842-7800  
Fax: (202) 842-7899  
eestevez@cooley.com

Celia Goldwag Barenholtz  
Cooley LLP  
1114 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 479-6000  
Facsimile: (212) 479-6275  
cbarenholtz@cooley.com

*Counsel for Defendant Duro Textiles, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of May 2016, the foregoing **NOTICE OF APPEAL** was filed through the ECF system and will be sent electronically, via the ECF system, to the registered participants listed below, as also identified on the Notice of Electronic Filing (NEF).

Lauren Beth Grassotti  
Meyer, Suozzi, English & Klein, P.C.  
(Garden City)  
990 Stewart Avenue, Suite 300  
P.O. Box 9194  
Garden City, NY 11530  
Tel: (516) 741-6565  
Fax: (516) 741-6706  
lgrassotti@msek.com

Robert Allen Horowitz  
GREENBERG TRAURIG, LLP  
200 Park Avenue  
New York, NY 10166  
Tel: (212) 801-2194  
Fax: (212) 224-6114  
horowitzr@gtlaw.com

Justin Albano MacLean  
GREENBERG TRAURIG, LLP  
200 Park Avenue  
New York, NY 10166  
Tel: (212) 801-9200  
Fax: (212) 801-6400  
macleanj@gtlaw.com

*Attorneys for Plaintiffs*

/s/ Jonathan G. Graves  
Jonathan G. Graves (*Pro hac vice*)

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